

AMENDED IN SENATE JULY 2, 2012
AMENDED IN SENATE JUNE 20, 2012
AMENDED IN ASSEMBLY APRIL 26, 2012
AMENDED IN ASSEMBLY APRIL 17, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1844

Introduced by Assembly Member Campos

(Principal coauthor: Senator Yee)

(Coauthors: Assembly Members Alejo, Allen, Gordon, Roger Hernández, Hueso, Lara, Perea, Portantino, Wagner, Wieckowski, and Yamada)

February 22, 2012

An act to add Chapter 2.5 (commencing with Section 980) to Part 3 of Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1844, as amended, Campos. Employer use of social media.

Existing law generally regulates the conduct of employers in the state.

This bill would prohibit an employer from requiring or requesting an employee or applicant for employment to disclose a user name or password for *the purpose of* accessing personal social media ~~or, to access personal social media, as specified in the presence of the employer, or to divulge any personal social media~~. This bill would also prohibit an employer from discharging, disciplining, threatening to discharge or discipline, or otherwise retaliating against an employee or

applicant for ~~exercising any right under~~ *not complying with a request or demand by the employer that violates these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 2.5 (commencing with Section 980) is*
2 *added to Part 3 of Division 2 of the Labor Code, to read:*

3
4 *CHAPTER 2.5. EMPLOYER USE OF SOCIAL MEDIA*
5

6 980. (a) *As used in this chapter, "social media" means an*
7 *electronic service or account, or electronic content, including, but*
8 *not limited to, videos, still photographs, blogs, video blogs,*
9 *podcasts, instant and text messages, e-mail, online services or*
10 *accounts, or Internet Web site profiles or locations.*

11 (b) *An employer shall not require or request an employee or*
12 *applicant for employment to do any of the following:*

13 (1) *Disclose a user name or password for the purpose of*
14 *accessing personal social media.*

15 (2) *Access personal social media in the presence of the*
16 *employer.*

17 (3) *Divulge any personal social media.*

18 (c) *Nothing in this section is intended to affect an employer's*
19 *existing rights and obligations to investigate allegations of*
20 *employee misconduct or employee violation of applicable laws*
21 *and regulations.*

22 (d) *Nothing in this section precludes an employer from requiring*
23 *or requesting an employee to disclose a username, password, or*
24 *other method for the purpose of accessing an employer-issued*
25 *electronic device.*

26 (e) *An employer shall not discharge, discipline, threaten to*
27 *discharge or discipline, or otherwise retaliate against an employee*
28 *or applicant for not complying with a request or demand by the*
29 *employer that violates this section. However, this section does not*
30 *prohibit an employer from terminating or otherwise taking an*
31 *adverse action against an employee or applicant if otherwise*
32 *permitted by law.*

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6 ~~980. (a) As used in this chapter, “social media” means an~~
7 ~~electronic service or account, or electronic content, including, but~~
8 ~~not limited to, videos, still photographs, blogs, video blogs,~~
9 ~~podcasts, instant and text messages, e-mail, online services or~~
10 ~~accounts, or Internet Web site profiles or locations.~~

11 ~~(b) An employer shall not require or request an employee or~~
12 ~~applicant for employment to do either of the following:~~

13 ~~(1) Disclose a user name or password for accessing personal~~
14 ~~social media.~~

15 ~~(2) Access personal social media, whether in or outside of the~~
16 ~~presence of the employer.~~

17 ~~(c) Nothing in this section is intended to affect an employer’s~~
18 ~~existing rights and obligations to investigate alleged workplace~~
19 ~~misconduct.~~

20 ~~(d) An employer shall not discharge, discipline, threaten to~~
21 ~~discharge or discipline, or otherwise retaliate against an employee~~
22 ~~or applicant for exercising any right of the employee or applicant~~
23 ~~pursuant to this section. However, this section does not prohibit~~
24 ~~an employer from terminating or otherwise taking an adverse action~~
25 ~~against an employee or applicant if otherwise permitted by law.~~